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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JUSTIN PLEASANT KERRY;**

**Defendant.**

**CR 22-34-BU-DLC-KLD**

**AFFIDAVIT ESTABLISHING  
PROBABLE CAUSE IN  
SUPPORT OF INFORMATION**

1. I, Bradley E. Bolte, am a Federal Law Enforcement Officer for the United States Forest Service. I have held my position as an Officer with the Forest Service for over ten years. During that time, I have investigated numerous crimes involving damage to government property and natural resources. I have attended multiple specialized trainings for the investigation of natural resource crimes,

including fire investigations and damage/theft of timber resources. In addition to my jurisdictional authority on U.S. Forest Service Land, I have the additional authority to conduct investigations on United States Fish and Wildlife Service Lands through a cooperative agreement.

2. I verify, under penalty of perjury, the following facts that I believe establish probable cause that JUSTIN PLEASANT KERRY committed the offense of cutting or injuring trees, in violation of 18 U.S.C. § 1853. This affidavit does not include all the facts known to me, but only those facts relevant and sufficient to establish probable cause.

3. On Wednesday October 12th, 2022, at approximately 1252 hours, your Affiant, Law Enforcement Officer Brad Bolte, investigated an active wildfire on Drinking Horse Mountain. I responded to the fire after receiving a request from the United States Fish and Wildlife Service for my assistance with the investigation. Prior to my arrival, the defendant, KERRY, had already been arrested and transported to the Gallatin County Detention Center. Through my investigation of the burn site, I was able to determine that the fire was human caused. Based on the information documented during the investigation, I determined that “incendiary” was the highest likely cause of the Drinking Horse Wildfire, meaning that the wildfire was deliberately or maliciously set with the

intent to damage or defraud. Several trees and more than ten separate areas of brush and grass were burnt and destroyed in the fire. Pictures taken by the first responders show entire trees consumed by flame.

4. During the investigation, I determined that the fire was started and burned on Drinking Horse Mountain, within the boundaries of the Bozeman Fish Technology Center, property owned by the United States Fish and Wildlife Service.

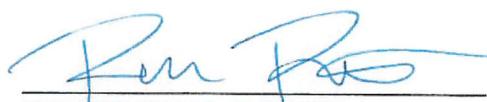
5. In the afternoon of October 12, 2022, after completing the fire investigation on scene, I interviewed KERRY at the Gallatin County Detention Center. KERRY was given a *Miranda* warning and agreed to speak with me. During the interview, KERRY admitted to starting multiple fires on Drinking Horse Mountain that subsequently caught several trees and other vegetation on fire. He stated that there were other people in the area, but he was the only one who started the fires. KERRY described lighting the fires to scare bears and mountain lions away that he claimed were eating people on the mountain and further threatening his safety. The responding officers and firefighters saw no evidence of bears or mountain lions in the area, nor received any reports of individuals being injured.

6. When shown a photograph of the Drinking Horse fire scene, KERRY confirmed the location of where he started the trees on fire. KERRY acknowledged that he did not have any authority or permission to start the fires. In

addition, KERRY was found by first responders at the scene of the fire and made statements admitting that he started the fires to other involved Officers.

7. I believe there is probable cause that KERRY has committed violations of the laws of the United States by injuring and destroying trees growing upon the land of the United States, in violation of Title 18 U.S.C. § 1853.

DATED this 15<sup>th</sup> day of November 2022.



BRADLEY E. BOLTE  
Law Enforcement Officer  
United States Forest Service